

MARLENE B. MANESS,

Plaintiff,

vs.

ST. LOUIS BREAD CO.,
also known as PANERA BREAD
also known as PANERA, LLC

Defendant.

This matter is before the Court on Plaintiff's Motion for leave to file an Amended Complaint filed on November 19, 2018. (ECF No. 18). The motion is fully briefed and ready for disposition.

1

Court granted Plaintiff leave to file an Amended Second Complaint and dismissed Plaintiff's claim for Age Discrimination on October 21, 2018. (ECF No. 13). On October 25, 2018 the Court Ordered that Plaintiff's Motion to Appoint Counsel be denied. (ECF No. 14). On November 19, 2018, the Plaintiff filed a Motion for leave to file an Amended Complaint (ECF No. 18).

With regard to Plaintiff's pending Motion, pursuant to Rule 7 of the Federal Rules of Civil Procedure motions must "state with particularity the grounds for seeking the order; and state the relief sought." Fed. R. Civ. P. 7(b)(1)(B)-(C). Plaintiff's Motion is not particular or specific as to the grounds for seeking the order. It is not clear whether the Plaintiff seeks to fully amend the Amended Complaint, or seeks to provide a supplement to the Amended Complaint. On September 22, 2018, the Court granted Plaintiff the opportunity to file an Amended Complaint and instructed the Plaintiff to clarify the facts surrounding her claims and to more specifically state her grounds for relief. (ECF No. 16). As the Court understands it, the Plaintiff's pending motion seeks more time to address issues raised in the Amended Complaint which was filed on November 5, 2018; to which Defendant has filed a Motion to Dismiss. (ECF No. 19). In light of the Motion to Dismiss, the Court will deny Plaintiff's Motion without prejudice, meaning the Plaintiff may be able to file an additional Motion requesting leave to amend her Complaint in the future, and will first address the Defendant's motion to dismiss.

Local Rule 7-4.01(B)-(C) states that, "except as otherwise provided in these rules or by order of the Court, each party opposing a motion shall file, within seven (7) days after being served with the motion, a memorandum containing any relevant argument and citations to authorities on which the party relies...Within seven (7) days after being served with a memorandum in opposition, the moving party may file a reply memorandum. Additional

memoranda may be filed by either party only with leave of the court.” Local Rule 7-4.01. Therefore, upon the filing of Defendant’s Second Motion to Dismiss, Plaintiff was allotted until December 3, 2018, to file a Response to the Motion to Dismiss. In light of this Order, the Plaintiff will be given seven (7) days from the date that this Order is entered to file her memorandum in response to Defendant’s Motion to Dismiss with the Court.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Motion for leave to Amend her Complaint is **DENIED, without prejudice.**

IT IS FURTHER ORDERED that Plaintiff has seven days from the entry of this Order, until **Friday, December 7, 2018**, to file a Response to Defendant’s Motion to Dismiss.

Dated this 29th Day of November 2018.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE